

ORIGINAL

1 LEONARDO M. RAPADAS
2 United States Attorney
3 MIKEL W. SCHWAB
4 Assistant U.S. Attorney
5 JESSICA F. CRUZ
6 Assistant U.S. Attorney
7 Sirena Plaza, Suite 500
8 108 Hernan Cortez Avenue
9 Hagatna, GU 96910
10 Tel: (671) 472-7332
11 Fax: (671) 472-7215/7334

FILED
DISTRICT COURT OF GUAM

AUG 15 2008 *CHS*

JEANNE G. QUINATA
Clerk of Court

12 Attorneys for the United States

13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE TERRITORY OF GUAM

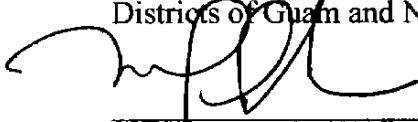
15 CASSANDRA CHAU TRUONG,) Case No.: 06-00022
16 Administratrix of the Estate of ROLAND)
17 ANTHONY BOUDREAU, deceased,)
18 Plaintiff,) DEFENDANT'S EX PARTE MOTION
19 vs.) FOR AN ORDER SHORTENING TIME
20 UNITED STATES OF AMERICA,) FURTHER UNDER RULE 7.1(h)(5);
21 Defendant.) DECLARATION OF MIKEL W.
22) SCHWAB
23) Date:
24) Time:
25) Judge: Hon. Frances Tydingco-Gatewood

26 Defendant, UNITED STATES OF AMERICA, by and through the undersigned counsel,
27 hereby moves for an order shortening the time even further within which to hear the Motion to
28 Stay, pursuant to Local Rule 7.1(h)(5). This motion is supported by the Declaration of Mikel W.
Schwab attached herewith. Defendant's counsel is available for a hearing on this matter at the
court's next available hearing date and time.

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Dated this 15th day of August, 2008.

LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and NMI



MIKEL M. SCHWAB
Assistant U.S. Attorney
Sirena Plaza, Suite 500
108 Hernan Cortez Avenue
Hagatna, Guam 96910
Tel: (671) 472-7332
Fax: (671) 472-7215

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DECLARATION OF MIKEL W. SCHWAB

I, Mikel W. Schwab, declare upon penalty of perjury that I am competent to testify to the matters contained herein, as follows:

1. I am the attorney for Defendant United States of America in this matter.
2. Defendant is requesting for the Court to shorten time within which to hear Defendant's Motion for Stay to stay this federal case pending the decision on the Motion for Summary Judgment in the Guam Superior Court case, Truong v. AIOI Insurance Company, Ltd., Civ. Case No. CV1082-06. Currently the Motion for an Order Shortening Time is not set for hearing.
3. The federal case is scheduled for trial on September 22, 2008.
4. The date of the trial is fast approaching and both parties need a decision on the Motion to Stay in order to adequately prepare for trial.
5. No meaningful discussion of a universal settlement can take place until the resolution of the Motion in the Superior Court.
6. Defendant's counsel is available for a hearing at the Court's next available hearing date and time.

I hereby declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

EXECUTED: this 15th day of August, 2008.

LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and NMI

BY: /s/ Mikel W. Schwab
MIKEL W. SCHWAB
Assistant U.S. Attorney